

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THADDEUS R. DICKEY,

Plaintiff

v

Case No.
HON.

THE CANTON MICHIGAN POLICE
DEPARTMENT, OFFICERS CHAMPAGNE,
BERGSMA, DUNLAP, KUZNICKI, HARMON,

Defendants

THADDEUS R. DICKEY
In Pro Per
6515 Yale Street, Apt. 217
Westland, MI 48185

ETHAN VINSON (P 26608)
Cummings, McClorey, Davis & Acho, PLC
Attorneys for Defendant
33900 Schoolcraft
Livonia, MI 48150
(734) 261-2400

NOTICE OF REMOVAL OF ACTION

NOW COME the Defendants, THE CANTON MICHIGAN POLICE
DEPARTMENT, OFFICERS CHAMPAGNE, BERGSMA, DUNLAP,
KUZNICKI, HARMON, by and through their attorneys, CUMMINGS,
McCLOREY, DAVIS & ACHO, P.L.C., by ETHAN VINSON, and in support
of the Notice of Removal of Action, state as follows:

1. That the Defendants were served with a copy of the attached Summons and Complaint on or about January 4, 2016.

2. That the above-entitled action is a civil action wherein the Plaintiff, In Pro Se, is claiming unlawful search and seizure, which would be a violation of his constitutional rights under 42 U.S.C. §1983.

3. That this Court has original jurisdiction of the above-entitled cause pursuant to 28 U.S.C. §1331 and this action may therefore be removed to this Court pursuant to 28 U.S.C. §1441, et. seq. This Court may also exercise supplemental jurisdiction over the Plaintiff's State law claims.

4. This Notice is being filed with this Court within thirty (30) days after service of the Summons and Complaint upon the Defendant in the above-entitled action.

5. That the Defendants in this matter have been served with process, and are being represented by the undersigned, and concur in the filling of this Petition.

WHEREFORE, Defendants pray that this Honorable Court grant this Petition for Removal of Action.

s/Ethan Vinson
Cummings, McClorey, Davis & Acho, PLC
33900 Schoolcraft
Livonia, MI 48150
Phone: (734) 261-2400
Primary E-mail: evinson@cmda-law.com
P 26608

H:dickey-removal1-8-16.docx

I hereby certify that on January 14, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

and I hereby certify that I have mailed by United States Postal Service the paper to the following: **Thaddeus R. Dickey, In Pro Per**

s/Ethan Vinson
33900 Schoolcraft
Livonia, MI 48150
Phone: (734) 261-2400
Primary E-mail: evinson@cmda-law.com
P 26608

Jan. 4, 2016 3:43PM

Sgt. Jim Hennig served (C) from (1-4-2016) No. 52264 P-3

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	SUMMONS AND COMPLAINT	CASE NO. 15-016190-CZ Hon. Annette J. Berry
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2 Woodward Ave., Detroit MI 48226

Court Telephone No. 313-224-4679

Plaintiff Dickey, Thaddeus R	Defendant The Canton mi, Police Department
Plaintiff's Attorney 6515 yale st Apt 217 westland, MI 48185	Defendant's Attorney

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 12/14/2015	This summons expires 3/14/2016	Court clerk File & Serve Tyler
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

Family Division Cases

There is no other pending or resolved action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties.

An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

There is no other pending or resolved civil action arise out of the same transaction or occurrence as alleged in the complaint.

An civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village)

Defendant(s) residence (include city, township, or village)

Place where action arose or business conducted

Date
4.

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (5/15) SUMMONS AND COMPLAINT MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a),(b), MCR 3.206(A)

RECEIVED

JAN 04 2016

Plaintiff

Thaddeus dickey 2nd 6515 Yale st. APT 217 WESTLAND MI 48185

Defendant(S)

THE TOWNSHIP OF CANTON 1150 S. CANTON CENTER RD CANTON MI 48188

Officer(S)

1. Champagne
2. Bergsma
3. Dunlap
4. Kuznicki
5. Harmon

Complaint

A. On the date of October 10th 2014 I arrived at the Walmart on ford rd. I was full of energy as I was asking others how they were doing and encouraging them to have a nice day. One lady was about to throw out her cigar and she asked me if I wanted to finish it so I said sure another lady seen me stretching my back and she asked me how was I getting home I said either walk or call for a ride, so she offered me 3 dollars out of the kindness of her heart to use towards me getting home so I said thank you and kept listening to music with my headphones in my ears and then I noticed officer champagne sitting in his car and he claims in his police report I was asking for money but when I watched the dash cam video the person he pulled up to to ask what I was doing told him that I told him to have a nice day so where he got this information of me asking for money is still to this day unknown so it's safe to say he assumed it. Not to mention panhandling is protected by the 1st amendment and the freedom to assemble is also.

Keep in mind I only had been out there for a total of like 8 or 9 minutes and nobody had told me to leave so where he got grounds for a loitering charge I don't know all I did was go in to get a drink of water and purchase my own pack of smokes and some snacks for the night. once I got a drink I felt a tap on the shoulder it was officer champagne keep in mind he told dispatch he was making contact with a heavy set male for making contact with customers outside like I was not a customer just a criminal so I asked him what did he want he said what are you doing I said nothing minding my own business and walked away at this point he then told officer kuznicki he was bringing me to jail and she was sending backup for what reason I don't know so he kept on following me and he told me

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JAN 04 2016

Michael Municipal Risk
Management Authority

Jan. 4. 2016 3:44PM

to leave so I continued to leave and told him he did not have the right to be following me or harassing me like this and I left and went to sams club he followed me all the way there and then I realized I had done nothing wrong I was racially profiled he officer champagne claims to have not known me at all and describes me as being a heavy set black male and officer kuznicki comes back over the radio with a positive id off of me being heavyset and black no other information and officer Harmon laughed and champagne replied and said that the one not to mention he was implicated in racial profiling a year earlier so I went back to Walmart because I knew I had done nothing wrong got in the tobacco line and waited for my turn I was then surrounded and arrested the only things I was saying was asking people to whiteness this complete obstruction of justice I was then taken outside to be made to get into a car that was way to small and I hurt my back getting in and out they knew I couldn't fit I was taken to jail and one of the witnesses said on video that he heard and saw the whole thing and I was not swearing or cursing all he could hear was me telling the officer to leave me alone thus the disorderly persons charge so I went to jail and was denied a phone call entering and exiting incarceration on video entering custody my back legs and feet started to experience pain during this time and I had to be talking to the hospital I was told on video that my bond was 300 but I later found out it was a personal so they held me for 2 days on a personal bond once they let me go I still was not permitted to use a phone so I had to walk 5 miles home when I had 3 different people who could've came and picked me up during my walk home I sustained substantial nerve damage in my lower back legs and feet I was in so much pain I couldn't get out of bed for 3 days

B. I am suing for a

1 false police report 2. False arrest 3. 2 counts of false charges 4. 2 counts of false imprisonment 5. Malicious prosecution 6. Unlawful search and seizure
7. 4 counts of failure to Intervene 8. 3 counts of racial profiling 9 emotional distress 10. Pain and suffering

A total of 10,000,000

I am suing for monetary damages and compensatory damages

V. J. O'Key 12-14-15

RECEIVED

JAN 04 2016

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
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Cummings, McClorey, Davis & Acho, PLC
Attorneys for Defendant
33900 Schoolcraft
Livonia, MI 48150
(734) 261-2400

**BRIEF IN SUPPORT OF
NOTICE OF REMOVAL OF ACTION**

NOW COME the Defendants, THE CANTON MICHIGAN POLICE
DEPARTMENT, OFFICERS CHAMPAGNE, BERGSMA, DUNLAP,
KUZNICKI, HARMON, by and through their attorneys, and in support of their
Notice of Removal of Action, herein rely upon 28 U.S.C. Sections 1331, 1441
and 1446.

s/Ethan Vinson
Cummings, McClorey, Davis & Acho, PLC
33900 Schoolcraft
Livonia, MI 48150
Phone: (734) 261-2400
Primary E-mail: evinson@cmda-law.com
P 26608

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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THADDEUS R. DICKEY,

Plaintiff

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Case No. 15-016190-CZ
HON. ANNETTE J. BERRY

THE CANTON MICHIGAN POLICE
DEPARTMENT, OFFICERS CHAMPAGNE,
BERGSMA, DUNLAP, KUZNICKI, HARMON,

Defendants

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Westland, MI 48185

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Cummings, McClorey, Davis & Acho, PLC
Attorneys for Defendant
33900 Schoolcraft
Livonia, MI 48150
(734) 261-2400

NOTICE OF FILING PETITION OF REMOVAL

**TO: CLERK OF THE COURT
HON. ANNETTE J. BERRY**

PLEASE TAKE NOTICE that the Defendants, THE CANTON MICHIGAN POLICE DEPARTMENT, OFFICERS CHAMPAGNE, BERGSMA, DUNLAP, KUZNICKI, HARMON, have filed a Notice of Removal of Action (copy attached hereto), in the office of the Clerk of the United States District Court for the Eastern District of Michigan, Southern Division, at the Federal Court Building in Detroit, Michigan.

Respectfully submitted,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

By: /s/ Ethan Vinson
ETHAN VINSON (P 26608)
33900 Schoolcraft
Livonia Michigan 48150
(734) 261-2400

Dated: January 14, 2016

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the Odyssey File & Serve system which will send notification of such filing to the following: **N/A**

and I hereby certify that I have mailed by United States Postal Service the paper to the following non-Odyssey File & Serve system participants: **Thaddeus R. Dickey, 6515 Yale Street, Apt. 217, Westland, MI 48185**

/s/Brenda Jefferson
Email: bjefferson@cmda-law.com

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THADDEUS R. DICKEY,

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Attorneys for Defendant
33900 Schoolcraft
Livonia, MI 48150
(734) 261-2400

CERTIFICATE OF SERVICE

BRENDA R. JEFFERSON, hereby certifies that on the 14th day of January, 2016, a Notice of Filing Petition of Removal and the accompanying attachments: *United States District Court Notice of Removal of Action, and Brief in Support of Notice of Removal of Action* were filed with the Clerk of the Court, Wayne County Circuit Court, at 2 Woodward Avenue, Detroit, Michigan; and the above documents, along with a copy of

this Certificate of Service, were served upon counsel for Plaintiff, via first class mail, with postage fully prepaid thereon, addressed as follows:

Clerk of the Court
Wayne County Circuit Court
2 Woodward Avenue
Detroit, MI 48226

Thaddeus R. Dickey
6515 Yale, Apt. 217
Westland, MI 48185

/s/Brenda R. Jefferson
BRENDA R. JEFFERSON
Email: bjefferson@cmda-law.com

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